

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

JUN 15 1999

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY DEPUTY

LARRY YARBROUGH,

)

Petitioner,)

)

vs.)

)

JAMES SAFFLE,

)

Respondent.)

No. CIV-99-632-L

DOCUMENTED

O R D E R

FOR RESPONSE BY OKLAHOMA ATTORNEY GENERAL TO
PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON
IN STATE CUSTODY, PURSUANT TO 28 U.S.C. §2254

After examination of the petition for writ of habeas corpus filed by the above-named petitioner and having determined that James Saffle, Director of the Oklahoma Department of Corrections, is the proper Respondent pursuant to Rule 2(a) of the Rules Governing §2254 Cases,

IT IS ORDERED THAT:

1. The Respondent shall file an answer responding to the allegations of the petition within twenty (20) days from the date of service. The response should present:

(a) Whether the limitations period for filing the petition has expired; and, if not,

(b) Whether the petitioner has exhausted his state remedies, including any post-conviction remedies available to him under the statutes or procedural rules of the State, and including also his right to appeal both from the judgment of conviction and from any adverse judgment or order in the post-conviction proceeding;

(c) The requirement for an evidentiary hearing as to each of the grounds alleged, as well as

(d) An analysis of each of said grounds and any cases and supporting documents relied upon by the Respondent in opposition to the same.

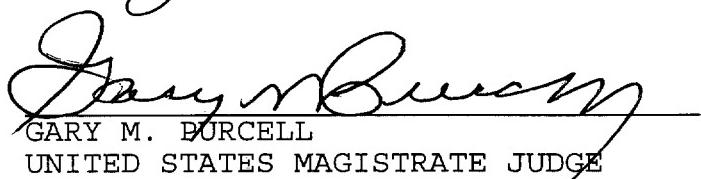
2. Unless the answer raises a defense of failure to exhaust or procedural bar of all of the issues presented in the petition or unless request is made for an exception to this Order, **THE ANSWER SHALL CONTAIN** the trial or plea and sentencing transcripts, if recorded and transcribed, and identify what proceedings have been

recorded but not transcribed. There **SHALL BE ATTACHED TO THE ANSWER** such portion of the transcript as the Respondent deems relevant.

3. If the petitioner appealed from the judgment of conviction or from an adverse judgment or order in a post-conviction proceeding, a copy of the petitioner's brief on appeal and of the opinion of the appellate court, if any, shall also be filed by the Respondent with the answer.

4. The Clerk is directed to serve a copy of the petition, along with a copy of this order, by certified mail, on the Respondent and the Attorney General of the State of Oklahoma, on behalf of the Respondent.

DATED this 15th day of June, 1999.


GARY M. BURCELL
UNITED STATES MAGISTRATE JUDGE